

Kentucky Commission On Human Rights

Working to eradicate discrimination

Human Rights Report

It's Here!

The Color of Justice

The Kentucky Commission on Human Rights (KCHR) is proud to bring to Kentucky for the first time a new initiative to introduce minority students to careers in the legal profession. The Color of Justice is a program of the National Association of Women Judges (NAWJ) for which KCHR Executive Director Linda Strite Murnane serves as membership outreach chair.

KCHR will present its first Color of Justice at the University Of Louisville Brandeis School Of Law on Oct. 29. The one-half day agenda targets seventh to 12th grade students. Attending will be 75 students sponsored by Central High School, the Lincoln Foundation Whitney M. Young Scholars Program, YMCA Black Achievers program, Louisville Metro Youth Development, and the DuValle Education Center. The NAWJ awarded KCHR a \$500 grant for the event.

The purpose of the program is to encourage minority students to consider the law and the judiciary as career goals. The first program features 26 speakers, including legislators, judges, attorneys, law school faculty, and law students. Sessions include: Law as a Career – Preparing the Way, The Color of Justice – Making a Difference (a panel), and Getting Real with the Bench and Bar – small group mentoring discussions with presenters.

In 2001, Kentucky had fewer than 200 out of 12,000 lawyers who were minorities (roughly 1.7 percent), according to a report by The Kentucky Supreme Court Task Force on Racial/Ethnic Fairness. "That's unacceptable," Chief Justice Joseph Lambert told the Lexington Herald-Leader. "We've done a

rather poor job of conveying to minority students that opportunities exist for them in the law," he said.

During the October Color of Justice program, the NAWJ will announce one of its recipients of the 2005-2006 Equal Justice Scholarship for \$1,000. The selection will be made by the Brandeis School of Law. The scholarship will be awarded to a second or third year law student in good standing for the school year and who has sustained a passionate commitment to equal opportunity and access in the system of justice. KCHR's next Color of Justice is planned for Lexington. Also, KCHR is developing a Color of Justice program for minority students interested in careers in law enforcement. Details will be announced. •

Don't Borrow Trouble

KCHR presented a check for \$10,000 in July to the Housing Partnership Inc. Don't Borrow Trouble anti-predatory lending campaign. The money comes from a portion of our agency's federal HUD "partnership initiative funds."

Don't Borrow Trouble is a two-pronged program combining an extensive public education campaign with comprehensive counseling services to help families avoid scams and resolve financial difficulties in an informed manner. Don't Borrow Trouble was launched in April 2004 by U.S. Representative Anne M. Northup, Freddie Mac and the Metro Louisville Coalition.

Also, KCHR Chair Priscilla Johnson and Housing Supervisor Cynthia Thornburg

Schnell are participating in a statewide Predatory Lending Task Force. Headed by the Kentucky Housing Corporation in Frankfort, it is addressing ways to confront this hard-to-prove discrimination, which takes financial advantage of borrowers and can result in foreclosure and financial devastation. Predatory lending is prosecuted as fraud in the U.S.

After Gov. Ernie Fletcher signed the proclamation for April Fair Housing Month, KCHR and its local commission partners held statewide education programs to help people understand the legal right to housing, free from discrimination. •

Commissioners

On March 25, Gov. Ernie Fletcher appointed two new members to the KCHR Board of Commissioners. Regena Triplett, a Pikeville attorney, represents the 7th Supreme Court District. She replaces Commissioner Sue Dowdy of Russell, whose term expired. Ms. Dowdy had served since 1999. Robert Asseo, KCHR's first Hispanic commissioner, is a Delta Air Lines Cincinnati field service manager and a resident of Florence. He represents the 6th Supreme Court District. He replaces Commissioner William Cleves of Covington, whose term expired. Rev. Cleves had served since 2001. The new commissioners' terms will expire on Sept. 12, 2007. Recognition luncheons were held for Commissioners Dowdy and Cleves in their hometowns of Ashland and Covington, respectively. We thank them for their tireless work to eradicate discrimination in Kentucky.

Update

Blue Ribbon Panel

The Governor's Blue Ribbon Panel to study the Kentucky Commission on Human Rights (KCHR) plans to submit its final recommendations by December 1. Governor Ernie Fletcher has said he hopes to use the recommendations to enhance and expand KCHR's services to the statewide constituency.

The 13-member task force held its first meeting in April and formed subcommittees to analyze and compare to other U.S. and state agencies KCHR's capabilities, funding, operations and statutory powers. The Blue Ribbon Panel has met, monthly, to share findings and hear reports and testimony.

A large task carried out by the panel with assistance by KCHR and Kentucky's local human rights commissions, was to hold 15 public hearings across the state from July through September. The hearings gave residents a chance to learn and talk about KCHR's services and discuss human and civil rights concerns in their communities.

Budget and staffing needs

The panel heard testimony in May by KCHR Executive Director Linda Strite Murnane who outlined the agency's organization and operations. She asked the group to recommend to legislators a \$1 million increase

in funding and seven additional staff positions.

To increase efficiency and effectiveness, she said, the executive director recently created a unit to deal exclusively with client intakes. The new positions would be used in this and other units. She would also like to hire full-time mediators and more bilingual staff. There are currently 38 staff positions.

A budget increase would improve the agency's ability to provide all its services, she said. Currently, most of the \$2.28 million budget is tied up in fixed costs and restricted funds, "leaving approximately \$150,000, or \$1,250 per county committed to the eradication of discrimination in the commonwealth," she said. About \$350,000 of the budget comes from federal money.

Local Commission Partners

Executive Director Murnane said she would use some of the additional funding to support initiatives of the 18 local human rights commissions in Kentucky, the majority of which have very small budgets.

One exception is the Metro Louisville Human Relations Commission, which has enforcement powers. Executive Director Kelly Watson visited the panel in July, reporting her budget for the Louisville-Jefferson County area alone is over \$1 million. The Metro commission has a staff of 15 full-time and six part-time

employees, she said. Only two other local commissions are currently empowered and funded by their communities to enforce laws against discrimination, those in Lexington and Covington. Local commissions work to solve discrimination issues, and educate and promote civil and human rights. They forward clients to KCHR, and help KCHR provide a local identity in their regions.

Bowling Green Human Rights Commission Executive Director Linda McCray spoke to the panel in June. "We look to the Kentucky Commission on Human Rights as the mother-ship," she said. "We depend on KCHR's broad authority, expertise, support capabilities, training and guidance." •



Title VI Initiative

Gov. Ernie Fletcher recently approved a proposal by the KCHR and the State Auditor's Office to conduct Civil Rights Act Title VI training to all state agencies. KCHR designed the program to train staff in reporting methods for Affirmative Action. KCHR is proud to work in partnership with the Governor's Office of Minority Empowerment and the Governor's Minority Action Committee in this endeavor. •

Kentucky Commission on Human Rights

Linda Strite Murnane, Executive Director

332 W Broadway, Suite 700, Louisville, Kentucky 40202 . Phone: 502.595.4024 . Toll-free: 800.292.5566 . TDD: 502.595.4084 . Fax: 502.595.4801
E-mail: kchr.mail@ky.gov, Website: <http://kchr.ky.gov>



Commission Rulings

The Kentucky Commission on Human Rights is the state government agency that enforces The Kentucky Civil Rights Act and the policies of federal civil rights laws. It receives, initiates, investigates, conciliates and rules upon jurisdictional complaints. The KCHR has jurisdiction in housing, employment, public accommodations, financial transactions, and private clubs. The Kentucky Civil Rights Act prohibits discrimination on the basis of race, color, religion, national origin, sex, familial status in housing, disability, age (40 or over) in employment, and smoking status in employment. Complaints not dismissed, settled or conciliated go to administrative hearing where commission decisions have the authority of a court of law.

The Board of Commissioners meets to hear and rule on discrimination complaints on a monthly basis. In the meetings from April through September, the board ruled to approve 25 conciliation agreements, dismiss 133 complaints, which, after investigation, or reconsideration, resulted in findings of no probable cause, accept 12 complaint withdrawals with private settlement terms and 10 complaint withdrawals without settlement.

The following conciliation agreements were reached through KCHR negotiations between complainants and respondents in consideration for the full and complete resolution of claims of alleged discrimination:

KCHR Commissioner Anita

Simmons v. Challenger Lifts Inc., in Louisville: The complaint alleged discrimination based on smoking status in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040). The parties agreed to conciliate the matter before the investigation was complete. The respondent denied any violation of the law and agreed to comply with civil rights laws, participate in compliance training, to include in all job advertisements and descriptions, "Equal Opportunity Employer – Hiring without regard to race, gender, religion, smoking class or other protected classification", and to report to the commission with regard to compliance for two years.

Lexington Fair Housing Council v. David Gundler, in Somerset: The complaint alleged discrimination based on familial status in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360 and 344.280). The respondent admitted to placing a rental advertisement that stated, "No Children," and the parties agreed to conciliate the matter. The respondent denied violation of the law and agreed to undergo fair housing law compliance training, place a right to fair housing advertisement in "The Commonwealth Journal," a newspaper in Somerset, post and distribute for customers information about the right to fair housing, and report to the commission with regard to compliance for two years.

Lexington Fair Housing Council v. Lake Cumberland Directory and Real Estate LLC., in Somerset: The complaint alleged discrimination based on familial status in housing. The respondents did not deny the allegations, asserting advertisements for their publication are monitored

for content, but that certain ads containing statements discriminating against families with children were published unnoticed by the respondents. The parties agreed to conciliate the matter with the respondents agreeing to undergo fair housing law compliance training, provide free advertising space once a month for the next year to the complainant in the newspaper, "The Times Journal," and report to the commission with regard to compliance for two years.

Kimberly Bullard v. One Force Staffing, in Louisville: The complaint alleged discrimination based on sex in employment, a violation of The Kentucky Civil Rights Act (KRS 344.040). The complainant claimed she was subjected to different treatment when the respondent told her there was no work available for females. The respondent denied any and all allegations of unlawful discrimination, asserting the complainant was told there was work but that she had to come in person to the office to check job availability. During the course of investigation, the commission found probable cause to believe discrimination had occurred. The parties agreed to conciliate the matter with the respondent agreeing to compensate Ms. Bullard in the amount of \$500, undergo Equal Employment Opportunity compliance training, and report to the commission with regard to compliance for one year.

Sandra Meeks v. One Force Staffing, in Louisville: The complaint alleged discrimination based on sex in employment, a violation of The Kentucky Civil Rights Act (KRS 344.040). The complainant claimed she was subjected to different treatment when the respondent refused to give her a temporary assignment because she was female. The respondent

Board of Commissioners

Chair Priscilla Johnson, Lexington . Robert Asseo, Florence . Richard Brown, Owensboro . Thurmond Coleman Sr., Louisville
Henry Curtis, Frankfort . Ann Darragh, Bardstown . Todd Hollenbach IV, Louisville . Deborah Kent, Louisville . Anita Simmons, Hopkinsville
Regena Triplett, Pikeville . Y. Denise Payne Wade, Louisville

Commission Rulings

denied any and all allegations of unlawful discrimination, asserting the job required hard, heavy work and lifting up to 90 pounds, continuously, and the complainant was told women are not able to do the work, nor can many men perform the job. The respondent asserted the client employer asked that only experienced and repeat workers be assigned. During the course of investigation, the commission found probable cause to believe discrimination had occurred. The two parties agreed to conciliate the matter with the respondent agreeing to compensate Ms. Meeks in the amount of \$500, undergo Equal Employment Opportunity compliance training, and report to the commission with regard to compliance for one year.

Sheila Buehner, on behalf of her minor son v. Fiesta Rides, in Louisville: The complaint alleged discrimination based on disability in a public accommodation, a violation of the Kentucky Civil Rights Act (KRS 344.120). The complainant claimed her son, who uses a wheelchair, was denied access to participate on the Louisville-area Fairdale Community Fair rides in September 2004. The owner of Fiesta Rides of Corydon, Ind., provided the carnival for the event, and asserted his staff provided extra ride tickets for the complainant's family that day. He asserted he was not aware the complainant's son was being disallowed from using the tickets. Before the KCHR investigation was complete, the parties decided to conciliate the matter, with Fiesta agreeing to compensate the complainant in the amount of \$500, undergo training for all employees in civil rights compliance, and report to the commission with regard to

compliance for three years.

Step toe v. Mercantile Mortgage Company, in Louisville: The complaint alleged discrimination based on disability in housing, a violation of the Kentucky Civil Rights Act (KRS 344.040). The complainant claimed the company refused to provide him with an American Sign Language interpreter or to reimburse him when he hired an interpreter for his real estate financing transaction with the company in December 2004. Mercantile, which is headquartered in Cincinnati, Ohio, denied discrimination charges. Company representatives asserted the company did not believe it was required to provide an interpreter or to reimburse a client who is hearing impaired for an interpreter. Before the KCHR investigation was complete, the parties agreed to conciliate the matter, with the respondent agreeing to compensate Mr. Step toe in the amount of 80 dollars for fee reimbursement, train all employees in civil rights law compliance, and report to the commission for one year with regard to compliance.

Jessica Lindsay v. Tommy Darnell, in Paducah: The complaint alleged discrimination based on sex and retaliation in housing, violations of the Kentucky Civil Rights Act (KRS 344.360 and KRS 344.280, respectively). The complainant alleged while she was renting a house from the respondent, he made sexual advances and that when she was assertive in her refusal to the advances, she received notice she must vacate. The respondent denied any violation of the law, and asserted he gave her notice to vacate for violating the lease agreement by not paying a full deposit. He also asserted he planned to make the house an office. After a determination of probable cause, the two parties agreed to conciliate the matter. Before the respondent could sign the agreement he died after suffering a stroke. The written,

unsigned agreement included compensation to the complainant of \$5,000, compliance with civil rights law, and participation in Fair Housing compliance training.

Laura Herman v. Young Men's Christian Association of Greater Louisville: The complaint alleged discrimination based on disability in public accommodations, a violation of the Kentucky Civil Rights Act (KRS 344.120). The complainant alleged she was denied a reasonable accommodation, a sign language interpreter, for her disability, deafness, after she signed up for a running class at the YMCA and asked for an interpreter. The respondent denied any violation of the law and asserted it had attempted to provide the accommodation. The parties agreed to conciliate the matter before the investigation was complete. The respondent agreed to provide licensed interpreters for any deaf or hard-of-hearing client in its 12 branches, when necessary to provide effective communication. The respondent agreed to designate an employee whose duties will include accepting and complying with reasonable accommodations requests for clients with disabilities. The respondent agreed to undergo civil rights compliance training and to report to the commission when the training is complete.

Abeer Bateh v. Cabinet for Families and Children, in Lexington: The complaint alleged discrimination based on national origin in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040). The complainant alleged she was subjected to harassment and discharged due to her national origin, Arabic. The respondent denied any violation of the law and asserted its actions were based on a legitimate business decision. The parties agreed to conciliate the matter before the investigation was complete. The respondent agreed to compensate the complainant in the amount of \$5,000, provide a neutral job reference, including that

the complainant is eligible for rehire by the Commonwealth of Kentucky, undergo civil rights law compliance training, and report to the commission with regard to compliance for three years.

Fair Housing Council v. Betty Fuller, in Hartford: The complaint alleged discrimination based on familial status in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360). The complainant alleged the respondent ran a real estate ad that stated, "No kids." The respondent asserted she did not know that prohibiting families with children from renting real estate is against the law. The two parties agreed to resolve the complaint under terms that require the respondent to comply with laws against discrimination and to report to the KCHR with regard to compliance for three years.

Fair Housing Council v. Ohio County Times News, in Hartford: The complaint alleged discrimination based on familial status in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360). The complainant alleged the respondent ran discriminatory ads, which stated, "No kids" and "Retired couple preferred." The respondent asserted it did have a policy in effect to prohibit discriminatory advertising, but a temporary employee who was covering for a regular employee on medical leave, accepted the ad without realizing this was against policy. The two parties agreed to conciliate the matter, with the respondent compensating the complainant in the amount of \$1,700, and paying \$5,000 in damages to victims who present reasonable evidence within one year from the publication of such ads, to run ads explaining that familial status discrimination is illegal and listing the complainant's and the KCHR's contact information, and to report to the KCHR with regard to compliance for three years.

In separate cases regarding commissioner-initiated complaints:

KCHR Commissioner Richard Brown v. One Force Staffing, in Covington;

KCHR Commissioner Richard Brown v. Aztec Flooring Inc., in Louisville;

KCHR Commissioner Richard Brown v. River City Metals, in St. Matthews;

KCHR Commissioner Richard Brown v. Derek Engineering, in Louisville;

KCHR Richard Brown v. United Graphics, in Louisville;

KCHR Richard Brown v. Carter's Worldwide Moving, in Louisville;

KCHR Richard Brown v. Marksby Cornett, in Louisville;

KCHR Commissioner Richard Brown v. Berger Transfer and Storage Inc., in Louisville;

KCHR Commissioner Richard Brown v. The City of Shively;

And, *KCHR Commissioner Richard Brown v. The American Council of the Blind Enterprises and Services Inc., in Okolona;*

Each of the complaints was based on sex in employment, a violation of the Kentucky Civil Rights Act (KRS 344.020 and KRS 344.040). The complainant alleged the respondents recruited, procured or employed gender specific employees through staffing agencies. The respondents denied all allegations. The parties agreed to conciliate these matters, and the respondents agreed to comply with civil rights laws, adopt policies or enforce existing policies prohibiting discrimination, and to disseminate the policies to employees. The respondents will report for one year to the

commission and attend civil rights compliance training.

Misty Jessie v. Bel-Air Restaurant, in Cave City: The complaint alleged discrimination based on sex, a pregnant female, in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040). The complainant alleged she was terminated due to her pregnancy. The respondent denied all allegations. The parties agreed to conciliate the matter with the respondent agreeing to compensate the complainant in the amount of \$1,200, undergo compliance training and post equal employment opportunity notices in it business for all employees to read.

Darrell Keown v. Joe and Christy Branstetter, in Bowling Green: The complaint alleged discrimination based on disability in housing, a violation of the Kentucky Civil Rights Act (KRS 344.280). The complainant alleged he was initially denied his accommodation request for his disability by the respondents – a handicapped parking sign on the property to prevent neighbors from blocking his access – and that the respondents eventually agreed to the sign, but only after he had endured extreme embarrassment and humiliation. The respondents denied any unlawful discrimination and asserted they agreed to honor the complaint's request, then encountered difficulties as to the type of sign the complainant required as he wanted an illuminated sign that said, "Violators will be towed," and that they erected the sign once it was acquired. The two parties agreed to conciliate the complaint and the commission confirmed the accommodation request for a sign was met. Respondents did agree to attend Fair Housing training, post Fair Housing information for renters, and report to the commission with regard to civil rights law compliance for one year.

Human Rights Report

Kentucky Commission On Human Rights

332 W Broadway, Suite 700
Louisville, Kentucky 40202

PRESORTED STD.
U.S. POSTAGE
PAID
Louisville, KY
Permit No. 1013

Immigrant Outreach

On Sept. 29, KCHR held the first Kentucky Hispanic Networking Summit to celebrate Hispanic Heritage Month. Over 100 people attended the program at the Holiday Inn on Hurstbourne Parkway, in Louisville. The summit allowed federal, state and local officials, as well as private and nonprofit agencies, to learn more about Kentucky's growing Hispanic populations. Speakers and representatives from a variety of Hispanic/Latino community centers, non-profit groups, businesses and media outlets participated. Topics included housing, employment, education, business and others. During the spring and summer months, KCHR conducted 16 educational workshops for Hispanic communities across Kentucky from March 1 to Sept. 30. KCHR education and outreach services have been covered on 12 different occasions in Spanish newspapers and radio programs during that period. In an effort to reach out to other immigrant residents, Juan Pena, field supervisor, recently met with Peiran Sun, a Chinese community leader in Lexington, and contacted Kumiko Fukuhara, education and outreach coordinator for the Japan/America Society of Kentucky based in Lexington.

Hall of Fame

KCHR inducted 14 new members to the Kentucky Civil Rights Hall of Fame on July 29. Approximately 350 people attended the 2005 induction ceremony and civil rights celebration at the Kentucky State University in Frankfort. Independent, volunteer judges selected the inductees from 60 candidates nominated by people throughout Kentucky. Inductees: Sister Lupe Arciniega of Nerinx (immigrant outreach advocate); Norbert Blume of Louisville (legislator who supported Kentucky Civil Rights Act); Robert Coleman of Paducah (city commissioner who helped establish Paducah Human Rights Commission); the late Todd Duncan of Danville (racial barrier-breaking actor who created the role of Porgy in "Porgy and Bess"); the late John Fee of Berea (founder of Berea College, one of the first integrated schools in the country); former U.S. Senator Walter Dee Huddleston of Elizabethtown (legislator who fought for civil rights); Cass Irvin of Louisville (disability rights advocate); John Johnson of Baltimore, Md., formerly of Louisville (chief programs officer for the National NAACP); Dr. Joseph McMillan of Louisville (former human rights commissioner and Louisville Urban League president); the late Dr. Maurice Rabb of Louisville (first black physician to become a member of the Jefferson County Medical Society); the late Gov. Augustus Stanley of Shelbyville (supporter of women's, African Americans' and workers' rights); Harry Sykes of Lexington (first African American elected to the Lexington City Council and to be mayor pro tem); Beverly Watts of Louisville (former long-time executive director of KCHR); the late Carter Woodson of Berea (father of U.S. Black History Month). For more details on these civil rights champions, visit our website or call us.